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March 300, 2023

VIA ECF

United States District Court
Southern District of New York
Attn: Hon. Paul A. Engelmayer, U.S.D.J.
40 Foley Square, Courtroom 1305
New York, NY 10007-1312

Re: Avi & Co NY Corp. v. ChannelAdvisor Corp.
Case No.: 1:22-cv-10599 (PAE) (SLC)
MLLG File No.: 174-2022

Dear Judge Engelmayer:

This firm represents the Plaintiff in the above-referenced case. Plaintiff writes to respectfully seek an extension of time of the briefing schedule related to Defendant's motion to transfer venue and to dismiss set forth in this Court's March 9, 2023 Order.

Pursuant to ¶ I(E) of this Court's Individual Rules and Practices in Civil Cases, Plaintiff submits that: (i) the original dates for Plaintiff to respond to the motions and for Defendant to submit a reply in further support are March 23, 2023 and March 29, 2023, respectively, and the new dates the parties seek are April 17, 2023 and May 17, 2023, respectively; (ii-iii) there have been no previous requests for an extension of time of these deadlines; (iv) Defendant previously consented to the requested briefing schedule, but has since then recanted its consent, but has stated that it does not object to the requested extension; and (v) the requested extension of time does not affect any other scheduled dates as the parties have not yet conducted a conference pursuant to Rule 16 of the Federal Rules of Civil Procedure.

The reason for the request (and why it was not made sooner) is that, among other deadlines and appearances, Plaintiff's counsel was before the Hon. Pamela K. Chen, U.S.D.J. on a hearing for a preliminary injunction which your undersigned spent significant time preparing for over the last couple of weeks. In addition, your undersigned is currently preparing for trial before the Hon. Lorna G. Schofield, U.S.D.J. which is scheduled to commence in early May. As a result, your undersigned was unable to submit the instant letter motion sooner. Plaintiff therefore respectfully submits that there exists both good cause and excusable neglect for granting the requested extension of the briefing schedule. See Fed. R. Civ. P. 6(b)(1)(B).

Accordingly, Plaintiff's consent letter motion for an extension of time to submit opposition and reply briefs on Defendants' motions should be granted. Plaintiff thanks this honorable Court for its time and attention to this case.

Hon. Paul A. Engelmayer, U.S.D.J.
March 30, 2023
Page | 2

Dated: Lake Success, New York
March 30, 2023

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s

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The Court has received plaintiff's request for an extension. The Court is dismayed by plaintiff's failure to meet its deadline to respond to the motion to transfer. The Court will permit plaintiff to be heard, but, in light of plaintiff's failure to request an extension before the deadline had passed, is prepared to grant only a limited extension. Plaintiff's opposition to the motion to transfer is due April 6, 2023. Defendant's reply, if any, is due April 13.

The Court respectfully directs the Clerk of the Court to vacate the order at docket 20 and reopen the motion to transfer at docket 13. The Court will retain this case, pending the completion of briefing and its renewed resolution of the motion to transfer.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

March 30, 2023